

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LORENZO EDWARD ERVIN, JR.,

Defendant,

v.

JEFFREY S. FRENSLEY, ET AL.,

Defendants.

3 08 0149

No. 3:07mc0199
Judge Trauger

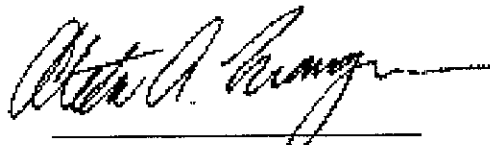
ORDER

The court entered an Order on January 30, 2008 directing the plaintiff either to submit "the required filing fee or an application to proceed *in forma pauperis* by February 11, 2008, or the Clerk [wi]ll close this miscellaneous file for all purposes " (Docket Entry No. 5) The court provided the plaintiff with a blank application to proceed *in forma pauperis* in the event he were unable to pay the filing fee. (Docket Entry No. 6)

The certified mail receipt was returned to the district court on February 4, 2008, showing that the plaintiff signed for the court's January 30 Order and blank application to proceed *in forma pauperis*. (Docket Entry No. 6) However, the plaintiff has failed to comply with the court's Order to pay the filing fee, or submit an application to proceed *in forma pauperis*. Neither has he requested an extension of time to do so.

The Clerk is **DIRECTED** to open the case. However, process shall **NOT** issue. Instead, the court's Order referring this action to the Magistrate Judge (Docket Entry No. 2) is **VACATED**, and this action is **DISMISSED** for failure to comply with the Orders of the court.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge